

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:(S15)98-CR-1023-17(LAK)

USM Number: 67496-054

Mr. Andrew G. Patel, Esq. 212-349-0230
Defendant's AttorneyAdel Abdel Bary
a/k/a "Adel Mohammed Abdul Almagid Adel Bary,"
"Abbas," "Abu Dia," and "Adel"

THE DEFENDANT:

☒ pleaded guilty to count(s) (S15)One, (S15)Two, (S15)Three☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 844(e) and (n)	Conspiracy to Threaten to Kill, Injure, or Intimidate and to Damage or Destroy Any Real or Personal Property by Means of Fire or Explosives	July 31, 1999	(S15)One
18 USC § 844(e) and (n)	Threatening to Kill, Injure or Intimidate and to Damage Destroy Any Real or Personal Property by Means of Fire or Explosives	Aug. 31, 1998	(S15)Two
18 USC § 371	Conspiracy to Murder U.S. Nationals	July 31, 1999	(S15)Three

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☒ Count(s) all underlying indictments as to this defendant are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 6, 2015

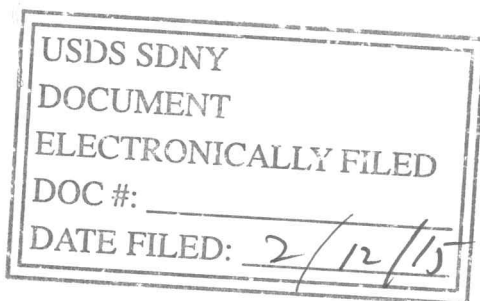
Date of Imposition of Judgment

Signature of Judge

Hon. Lewis A. Kaplan, U.S.D.J.

Name and Title of Judge

Date



DEFENDANT: Adel Abdel Bary
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 months on each of counts (S15)One and (S15)Two and 60 months on Count (S15)Three, the terms to be served consecutively, for an aggregate term of imprisonment of 300 months.

✓ The court makes the following recommendations to the Bureau of Prisons:
The Court makes no recommendation whether Defendant Abdel Bary is designated to the facility in Florence, Colorado, but if the defendant is designated to a more conventional facility the Court recommends he be designated to a facility in the Northeast Region.

✓ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Adel Abdel Bary
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 300	\$	\$ 33,816,561.75

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Families of Victims (see schedule A filed under seal)		7,516,561.75	
United States of America		26,300,000	

TOTALS	\$ _____	\$ 33,816,561.75
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☒ Restitution amount ordered pursuant to plea agreement \$ 33,816,561.75

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 300 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
See the attached additional Schedule of Payments page.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant's restitution obligation is joint and several with all other defendants under the 1:98-cr-1023(LAK) docket number that include restitution obligations.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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SCHEDULE OF PAYMENTS

The restitution will be payable in monthly installments commencing on the first day of the second month following the month in which the defendant is released from the term of imprisonment. Each monthly payment shall be equal to the sum of the Earned Income Amount and the Other Income Amount. The term Earned Income means remuneration for personal services. The term Other Income means revenues from all other sources, except public assistance and unemployment insurance compensation. The term Earned Income Amount is defined as 10% of the defendant's Earned Income, up to \$2,000, plus 20% of Earned Income in excess of \$2,000 or up to \$3,000, plus 30% of Earned Income in excess of \$3,000 and up to \$5,000, plus 45% of Earned Income in excess of 5,000, in each case for the preceding month. The term Other Income Amount is defined as 80% of the defendant's Other Income for the preceding month.